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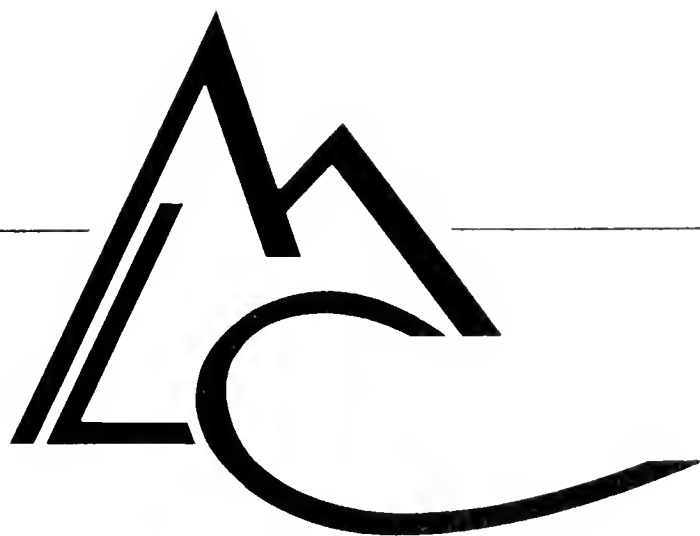
THE MONTANA LEGISLATIVE COUNCIL

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An introduction to the Montana Legislati



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MONTANA LEGISLATIVE COUNCIL

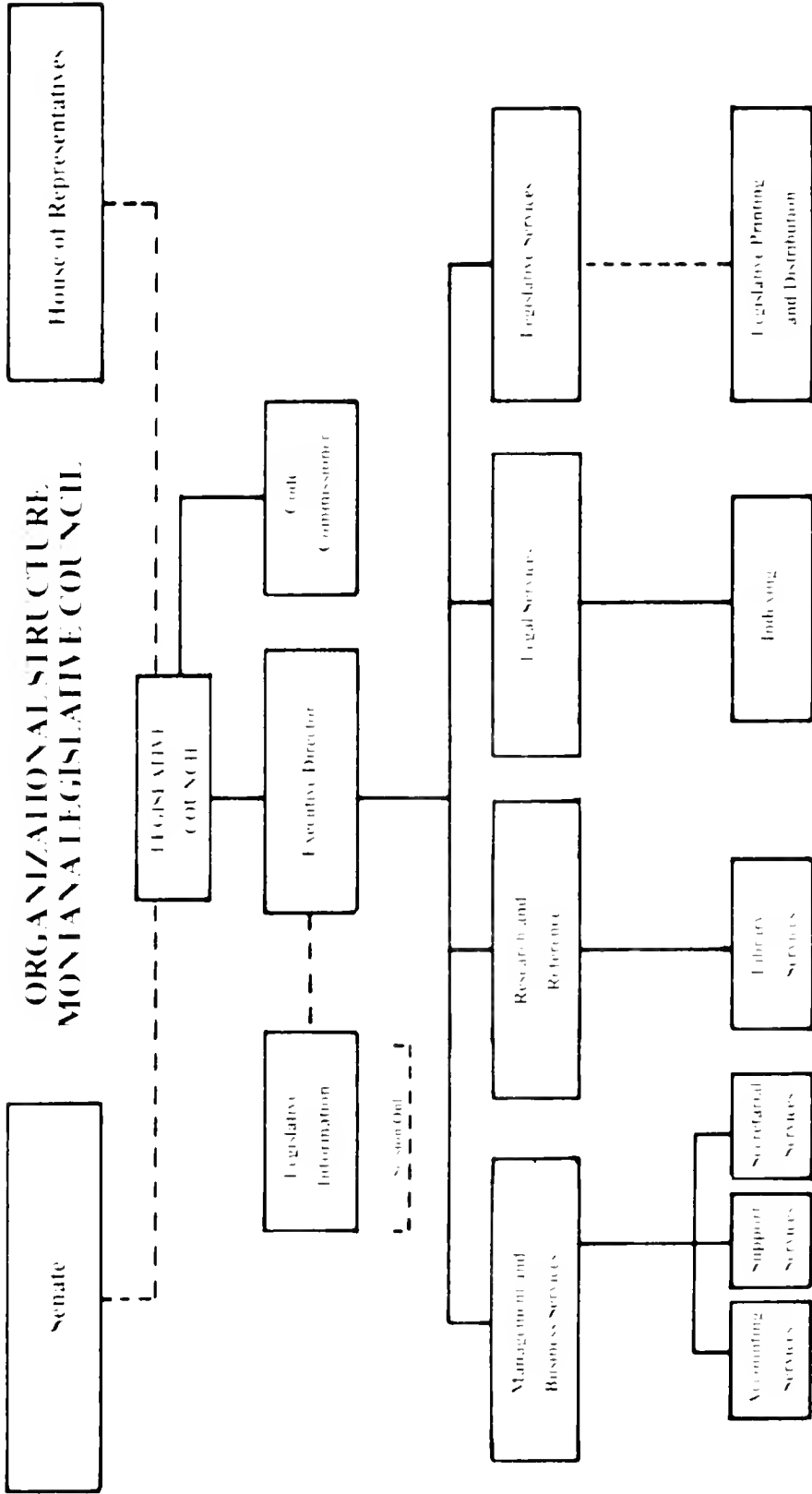
SENATE MEMBERS

Allen C. Kolstad - R
Chairman
Mark Daniels - D
Vice Chairman
Jack E. Gahr - R
Ted Lynch - D

HOUSE MEMBERS

Ralph S. Eudally - R
Rex Manuel - D
Robert E. Myers - R
Teddy Anderson - D

Diana S. Dowling
Executive Director
Room 138 State Capitol
Helena, Montana 59620
Telephone: 406.444.3064



HISTORY OF COUNCIL

Established in 1957, the Montana Legislative Council was originally created as a permanent service agency of the legislative branch of state government. The Council was charged with providing information on the Legislature and the legislative process and with studying selected problems confronting the Legislature in the interim between biennial sessions. Since 1957, the Council's responsibilities for service to the Legislature have expanded into a variety of areas.

Title 2, chapters 5, 6, and 11, and Title 1, chapter 11, MCA, provide the statutory authority for the structure and functions of the Council and interim committees. For purposes of discussion, the content of these sections may be divided into four areas: first, the powers and duties of the Council; second, the structure and responsibilities of the Council staff; third, interim committee organization and procedures; and fourth, the operation of the legislative intern program.

The Council

The eight members of the Legislative Council, four senators and four representatives, are chosen by the Committee on Committees in the Senate and by the Speaker of the House of Representatives. The Council is bipartisan and the term of office is for a biennium. A new Council is selected before the 50th day of the first regular session of each biennium.

The law charges the Council with administrative responsibilities relative to the Council staff. An important responsibility of the Council since 1975 has been supervision of the codification of Montana's statutes by a Code Commissioner assigned to the Council staff. The Montana Code Annotated, as published by the Code Commissioner, was adopted as *prima facie* the law of Montana by Chapter 1, Laws of 1979.

The one nonadministrative policy study function assigned to the Council provides a legislative safety valve. The Council may, in the event a problem demanding legislative attention arises during the interim, assign study of the problem to an appropriate study committee.

The Council may not approve or disapprove substantive portions of recommendations of any interim committee report.

The Council Staff

The staff of the Legislative Council acts as an independent, nonpolitical, impartial staff agency for the Legislature, performing those duties and functions assigned by law or as directed or requested by members and committees of the Legislature. The Council staff also provides information to the public in legislative matters.

The staff is divided into four functional divisions: Legislative Services Division, Research and Reference Services Division, Legal Services Division, and Management and Business Services Division. Two additional divisions are activated during a Legislative Session: The Legislative Information Office and Legislative Printing and Distribution.

The Legislative Services Division is responsible for clerical preparation of introduced bills and for engrossing and enrolling of bills. This Division uses a computerized word processing system in order to operate with a high degree of effectiveness and accuracy with a relatively small staff of copy editors, data entry operators, and proofreaders. The computerized word processing system is also used in the publication of the Montana Code Annotated. This Division is also responsible for the compilation and publication of the following: bill drafting record index, Internal Reference List, Rules of the Montana Legislature, code sections affected list, Daily Bill Status, Combined Final Status, Daily and Final Journals of House and Senate, Session Laws, Codes, and Annotations.

A computerized legislative information system was implemented for the 1985 Legislative Session. This system provides to the legislative process, to state government, and to the general public on-line computer terminal access to such information as committee hearing schedules, legislator sponsorship data, and bill status information. Over 40 different reports can be generated from this system, ranging from internal reports used by the Legislative Council to a wide spectrum of reports used by legislators, lobbyists, and the general public (via the Legislative Information Office and Legislative Printing and Distribution).

The Research and Reference Services Division and the Legal Services Division have many of the same responsibilities. Both divisions perform general and specialized research and reference and information functions. Staff members from both divisions may assist in the preparation of the Legislative Review, staff legislative committees during the session and throughout the interim, draft legislation, prepare legislative and staff reports, and provide information on the legislative process to the public. During the interim, the Legal Services Division is primarily responsible for publication and updating of the Montana Code Annotated. The Research Division has primary responsibility for staffing interim committees and providing reference services. The Research and Reference Services Division maintains a reference library containing items of special interest to legislators and legislative staff. The library maintains a liaison with other libraries and help make information available as quickly as possible.

In addition to the 3,360 page index to the Montana Code Annotated, the indexers in the Legal Division also provide the subject index for all bills introduced into a legislative session, the Journal Index, Legislative Review Index, Session Law Index, Bill Drafting Manual Index, Combined Final Status Index, Legal Research Memorandum Index, and Legislative Rules Index. The indexers also prepare a list of legislation by sponsor and an LC number to bill number table. The indexes are updated during and after each legislative session.

The Code Commissioner supervises the continuing codification, indexing, rearranging, and general updating of the Code, Annotations, including case notes to federal and

state court decisions and other materials useful to MCA users, are published separately from the statutes in booklet format that may be easily updated.

The Management and Business Services Division maintains all bookkeeping records; signs all legislative claims and payrolls; requisitions all printing, supplies, and equipment; distributes the Code and Annotations; and serves the House and Senate during a session.

During a legislative session, the Legislative Information Office is in operation in the Capitol Rotunda. The office works 6 days a week providing legislative information via toll-free telephone lines and to the many Capitol visitors. The Office assists in preparation of the Legislative Telephone Directory. The Legislative Information Office also distributes the Legislative Rules, daily committee hearing calendars, and daily House and Senate second and third reading agendas, seating charts, and other relevant materials and information available through the computerized information system.

Legislative Printing and Distribution, which is activated during a legislative session, has two separate functions. The distribution center distributes bills, amendments, resolutions, indexes, daily status, rules, and journals to legislators, state agencies, lobbyists, and other subscribers to the legislative proceedings. Daily mailings of the proceedings are made to the 56 County Clerk and Recorders and the 12 state libraries. The print shop staff orders all printing, sets priorities on the printing, and delivers printed proceedings to the House and Senate bill distribution offices.

Permanent Legislative Council Staff:

Diana S. Dowling, Executive Director and Code Commissioner

Management and Business Services

Sharole Connelly, Director of Accounting

Bek Meredith, Accounting Technician Secretary

Helen MacPherson, Director of Secretarial Services

Kay Roos, Purchasing Clerk

Kathy Thompson, Publications Distribution

Marsha Sager, Secretary Receptionist

Eleanor Eck, Secretary

Ellen Garrity, Secretary

Research and Reference Services Division

Robert B. Person, Director

Dave Bohyer, Researcher

Tom Gomez, Researcher

Lois Menzies, Researcher

Andrea Merrill, Researcher

Karen Renne, Researcher

Paul Verdon, Researcher

Sally Halverson, Librarian

Mary Conklin, Library Clerk

Legal Services Division

Robert C. Pyler, Director
Brenda Desmond, Staff Attorney
Lee Heiman, Staff Attorney
Valencia Lane, Staff Attorney
James H. Lear, Staff Attorney
John MacMaster, Staff Attorney
Mary McCue, Staff Attorney
Gregory J. Petesch, Staff Attorney
Nadine E. Wallace, Indexer
Karen Caplis, Indexer Assistant

Legislative Services Division

Henry Trenk, Director
Marilynn Novak, Assistant Director
Tom Mulvaney, Systems Analyst
Mary Ellen Randall, Chief Editor
Phyllis Cote, Senior Proofreader
Connie Dixon, Senior Data Entry Programmer
Marie Fuhrmann, Senior Proofreader
Doris Groot, Senior Editor
Kevin Hayes, Proofreader
Carol Ann Jacobsen, Senior Proofreader Editor
Patricia Sternberg, Senior Data Entry Programmer
Doug Sternberg, Senior Editor
Ian Vulk, Senior Data Entry Status Supervisor

Legislative Interim Operations

Sections 5-5-202 and 5-5-211 through 5-5-217, MCA, govern legislative committee studies during an interim. During the legislative session, resolutions may be proposed requesting interim studies. Immediately following the session, the Legislative Council must prepare a list of study resolutions adopted by the Legislature and distribute it to each legislator. Each legislator is requested to rank the studies in order of importance. After reviewing the priority lists, the estimated cost of each study, and the staff assistance required for each study, the Legislative Council determined which studies will be undertaken.

There are four types of committees that function during an interim: full standing committees, interim study committees, select committees, and committees established by law.

Interim study committee members are appointed by the Senate Committee on Committees and the Speaker of the House following designation of the studies to be conducted and assignment to committees by the Legislative Council. A study committee consists of four members from each house. No more than two members from each

house may be of the same political party. These subcommittees do the majority of the interim work. Each study committee must report its findings and recommendations to the Legislature at the beginning of the next session.

A select committee is formed to examine a particular issue or bill. It operates in a fashion similar to the interim study committees except that it must be supported by a specific budget and may operate under special rules established by law or resolution.

The full standing committees are also authorized to function during the interim. However, they have not traditionally done so, and budgets are not designed to support such activity.

Committees established by law are appointed and meet in accordance with provisions of their authorizing statutes. The Council staff assists such committees upon request. The following statutory committees are currently staffed by the Legislative Council: Revenue Oversight, Coal Tax Oversight, Indian Affairs, Administrative Code, Capitol Building and Planning, and Montana Salary Commission.

Legislative Intern Program

The Legislative Council administers the Legislative Intern Program, established by law in 1974. This program provides an opportunity for qualified Montana college and university students to gain first-hand experience of the legislative process. Each unit of the Montana University System may select at least one intern, and five additional interns may be chosen from applications submitted to the Council by the college presidents. The Council assigns each intern to a legislator, and the intern is directly responsible to that legislator.

LEGISLATIVE RESEARCH PUBLICATIONS

Since its creation the Council has issued the following major research publications.

1957-58 Interim

Legislative Handbook

Report No. 1 — Montana State Prison

The Administration of Higher Education in Montana

(by G. Homer Durham)

General Report No. 1

1959-60 Interim

The State Government of Montana (Organization Chart)

Report No. 2—Legislative Procedures

Report No. 3—The Organization and Administration of State Government

Report No. 4—State Lands and Investments

Report No. 5—Higher Education

Report No. 6—Property Taxation in Montana

General Report No. 2

1961-62 Interim

Bill Drafting Manual for the Montana Legislative Assembly

Report No. 7—Executive Reorganization

Report No. 8—Fiscal Control

Report No. 9—State Treasury Fund Structure

1963-64 Interim

The State Government of Montana (Organization Chart)

Report No. 10—Legislative Rules

Report No. 11—Public Official and Employee Bonds—Fees Collected by State Agencies

Report No. 12—Personnel Management

Report No. 13—Administration of State Liquor Monopoly

Report No. 14—Investment of Public Funds

Report No. 15—Revision of Laws of the Department of Public Institutions

Report No. 16—Property Taxation and the Montana Property Classification Law

1965-66 Interim

Report No. 17—Legislative Fiscal Analysis

Report No. 18—Revision of Public Health Laws—Revision of Fire Protection Laws

Report No. 19—Professional and Occupational Licensing Boards

Report No. 20—Revision of Laws for Public Schools

Report No. 21—Conservancy Districts

Report No. 22—Retirement Systems for Policemen and Firemen

Report No. 23—Montana Taxation

1967-68 Interim

The State Government of Montana (Organizational Chart)

Report No. 24—Building Standards—Election Laws

Report No. 25—The Montana Constitution

Report No. 26—Montana Corporation License Tax

Report No. 27—State Printing

Report No. 28—Vocational Education

1969-70 Interim

- Report No. 29 – Regulation of the Sale and Use of Pesticides – Statewide Laboratory System
- Report No. 30 – Self-Insurance on State Owned Property
- Report No. 31 – Property Taxation—Right of Entry
- Report No. 32 – Recodification of School Laws – Elementary and Secondary Education – Higher Education
- Report No. 33 – Administrative Procedures
- Report No. 34 – Local Government
- Report No. 35 – Income Taxation
- Report No. 36 – Board of Railroad Commissioners Ex Officio Public Service Commission of Montana
- Report No. 37 – Vietnam Honorarium

1971-72 Interim

- Report No. 38 – Executive Reorganization
- Report No. 39 – Health Service Corporations
- Report No. 40 – Higher Education, Duplications
- Report No. 41 – Highways
- Report No. 42 – Insurance Reform
- Report No. 43 – Juvenile Institutions
- Report No. 44 – Legislative Modernization
- Report No. 45 – Local Government
- Report No. 46 – Public Service Commission
- Report No. 47 – Roll Call and Sound System, House of Representatives
- Report No. 48 – School Construction
- Report No. 49 – School Equalization Aid
- Report No. 50 – School Foundation Program
- Report No. 51 – Self-Insurance, Schools
- Report No. 52 – State Laboratories
- Report No. 53 – Water Resources
- Report No. 54 – Welfare

1973 Interim

- Bond Issues in Montana
- Election Reform
- Swan River Youth Forest Camp
- Financing and Administration of Public Libraries
- Right to Know, Right to Participate
- Special Education for the Handicapped
- Progress Report on House Joint Resolution No. 22 – Retirement Systems for Public Employees
- Campaign Practices and Finances

1974 Interim

Workmen's Compensation

The Montana High School Association and Montana Interstate Activities

Moneys, Solvent Credits, and Industrial Facilities Taxation

Alcoholic Beverage Control Statutes

Fossil Fuel Taxation

Institutions

Equality of the Sexes

Uniform Fee Taxation and Anniversary Date Registration of Motor Vehicles

Actuarial Valuation; State Law Enforcement Retirement Programs

1975-76 Interim

Collective Bargaining and the State Wage and Classification Plan

Entry into Montana's Trades, Crafts, and Professions

Limitations on the Waiver of Sovereign Immunity

Medical Malpractice

Montana's District Courts

Montana's Inheritance Taxes

Montana's Property Taxes: Assessment and Classification

Montana's State Income Tax

Preservation of Agricultural Lands: Alternative Approaches

Public Access to Public Lands

Revision of Montana's Fire Laws

Right of Privacy—Implementing Article II, Section 10, of the Montana Constitution

Wine and Liquor Marketing Alternatives for Montana

1977-78 Interim

Administrative Code Committee Biennial Report

Capitol Master Plan: Reports and Recommendations

Comparative Individual Tax Burdens in the Fifty States

Community College Governance

Determination of Existing Water Rights

Election Laws

Income Tax Indexing

Legislative Improvement

Local Government Laws

Montana's Historical and Cultural Resources

Montana's Subdivision Laws: Problems and Prospects

Motor Vehicle Fee System

Report of the Coal Tax Oversight Committee

Report of the Committee on Indian Legal Jurisdiction

Revision of Montana's Property Tax Classification System

State Legal Services

Taxation of Metal Mines

Taxation of Montana's Financial Institutions

The Human Service Delivery System in Montana
Timber Taxation in Montana
Vocational Education Governance

1979-81 Interim

Administrative Code
Annexation Laws
Branching of Financial Institutions
Coal Tax Oversight
Container Deposits
Corrections Policy and Facility Needs
Economic Problems
Energy Forecasting
Greenbelt Law
Legislative Improvement
Liquor License Quota System
Mandates to Local Governments
Miscellaneous Reports on Taxes
Montana Salary Commission
Payment of Taxes Under Protest
Payments in Lieu of Taxes for State-Owned Property
Retirement Systems
Seed Certification
Select Committee on Indian Affairs

1981-83 Interim

Administrative Code
Appellate Court Delay
Bill Drafting Manual
Business
Coal Tax Oversight
Corrections
District Courts, Indigent Defense, and Prosecutorial Services
Districting and Apportionment
Fish and Game
Highways
Institutions – Survey of Management of Department
Interim Directory of Legislative Committees
Montana Salary Commission
Prison Construction and Penal Policy Summary
School Finance – A Question of Equity
Sources of Information and Publications – Legislative Council
Transportation
Water Resources
Youth Services Proposal for Reorganization

1983-85 Interim

A Legislator's Handbook
Administrative Code Committee
Agricultural Land Taxation in Montana
Assisting the Legislature in Public Pension Decisionmaking
Bill Drafting Manual
Bill History Manual
Capitol Building and Planning Committee
Court Unification in Montana
Effective Management of State Investments
Interim Directory of Legislative Committees
Introduction to the Montana Legislative Council
Montana's Property Tax and the 4-R Act and Other Revenue Oversight Issues
Montana's Veterans' and Handicapped Civilians' Employment Preference Act
Reappraising Montana's Coal Severance Tax
Reasonable and Realistic Compensation
Recreational Use of Montana's Waterways
Teacher Tenure in Montana
Timber Management and Forest Fire Costs in Montana
Two Gender Issues: Gender Discrimination and Auto Liability Insurance Enforcement
Select Committee on Indian Affairs
Sources of Information and Publications

General information published prior to the 1979-81 interim are available in microfilm format. Publications of the 1979-81 and 1979-82 sessions are available for distribution as are microfiche copies.

APPENDIX I

RULES OF PROCEDURE

MONTANA LEGISLATIVE COUNCIL

RULE I

Each Legislative Council shall determine the rules of its proceedings.

RULE II

Regular meetings of the Legislative Council shall be held in the State Capitol, Helena, Montana, unless otherwise approved by a majority of members. Meetings may be scheduled by the Chairman or by a majority of the members. A meeting agenda shall be sent to each member prior to each meeting. Any member of the Legislative Council who misses two (2) consecutive meetings may be relieved of his duties by a majority of the Council.

RULE III

All meetings of the Legislative Council shall be conducted under the established rules of the Senate of the state of Montana as to quorums and parliamentary procedure as applicable.

RULE IV

If a question of statewide importance arises when the Legislature is not in session, and a study committee has not been appointed to consider the question, a majority of the Council may agree to assign the question to an appropriate study committee.

RULE V

(1) Council staff shall assist individual members of the Legislature to request, perform and analyzing material relating to state government. Such research may not exceed two man days of work without the consent of the Council. This limitation shall not apply to (a) the Council's bill drafting service during and after legislative sessions or (b) matters relating to administrative rulemaking. Technical assistance may be provided to individual legislators in connection with the preparation of legislative proposals, proposals presented to individual legislators.

(2) Bill drafting requests will not be honored until after the Secretary of State has order of priority of bills except that the requests for bill drafting services and legislative proposals proposed may be processed as staff time permits.

(3) All bill drafting requests must be specific as to what the legislator wishes to accomplish and must outline the manner in which will achieve this end. Legislative Council, with the concurrence of the Executive Director, is authorized to return a bill drafting request to a legislator for more information.

(4) No Council staff person may draft any proposed law that is intended for use as a legislative measure.

RULE VI

Subject to the approval of the Council, the Executive Director may engage necessary stenographic, clerical, and other assistance for the operation of the Council, Legislative Services Division, the ALTER program, and aid to interim study committees or legislative standing committees.

RULE VII

The minutes of all regular and special meetings shall be mailed to each member of the Council as soon as possible after each meeting.

RULE VIII

Claims and requisitions up to \$100, payrolls, and routine claims in excess of \$100 may be approved by the Executive Director; all other claims and requisitions must be approved by the Chairman of the Council.

RULE IX

All meetings shall be open to the public.

RULE X

All publicity and news releases on behalf of the Council shall be made by the Chairman of the Council.

RULE XI

The Legislative Council will not pay out-of-state travel expenses for a lame-duck legislator.

RULE XII

Amendments, suspension, or amendment of these rules may be by vote of a majority of the Council.

RULE XIII

(C) Right to Know Policy

(a) Certain documents and records of the Legislative Council need to be free from immediate, though not ultimate, public scrutiny if they are to accomplish their basic purpose.

(b) Other records relating to individual privacy are protected from public scrutiny by the Constitution.

(c) All other records are subject to right to know provisions of the Constitution.

(d) It is necessary to make reasonable rules to protect these records from theft, loss, detachment, or alteration and to prevent undue interference with the discharge of Council functions.

(c) The Council staff must have a readily ascertainable standard against which the adequacy and propriety of the request can be judged.

(2) Records Available:

(a) The Legislative Council will make its records available for inspection and copying upon request by any person during regular office hours.

(b) The request may be oral or in writing to the Executive Director and must reasonably identify the record wanted. In the absence of the Executive Director, the request must be made to the Director of Legal Services and in his absence to the Director of Research.

(c) The records may be inspected in Room 138, State Capitol, Helena, at the desk in the main office under the supervision of a staff member assigned by the Executive Director or appropriate Division Director.

(d) Copies will be made upon request and prepayment of 15¢ per page.

(e) The records must be left in the same order and condition as received.

(3) Records Not Available:

(a) Personnel records, except general employment information, such as dates and duration of employment, title of position, and salary.

(b) During the drafting process, active bill drafting request forms and attachments (the subject matter of the request and name of the sponsor will be made available to the public).

(c) Prior to bid opening, information that would give advantage to any person bidding on publications produced by the Council.

(d) Material prepared in anticipation of litigation that would not be available to a party in litigation with the Council under the Montana Rules of Civil Procedure on pre-trial discovery.

(e) Prior to any testing period, materials used to test job applicants if disclosure would compromise the fairness or objectivity of the testing process.

(f) Proprietary information, including computer programs, which is entrusted to the Council under exclusive contract.

(g) Technical information, including software, operating protocols, employee manuals, or other information, the disclosure of which would jeopardize the security of the ALER system.

(h) Any other information that the Executive Director determines to be not available because the demands of individual privacy clearly exceed the merits of public disclosure.

(i) Persons requesting voting records of members of the Legislature must collect such information in person from Council records. An employee is not allowed to divulge voting records over the telephone or by mail.

APPENDIX II

CHAIRMEN AND VICE-CHAIRMEN OF MONTANA LEGISLATIVE COUNCILS

1957	Chairman	Sen. David E. James (D)
	Vice Chairman	Rep. Berg (R)
1959	Chairman	Sen. Robert A. Durkee (D)
	Vice-Chairman	Rep. George T. Howard (R)
1961	Chairman	Sen. William R. Mackay (R)
	Vice-Chairman	Rep. John D. Melcher (D)
1963	Chairman	Sen. William A. Groff (D)
	Vice-Chairman	Rep. Henry S. Hibbard (R)
1965	Chairman	Sen. Earl Moritz (R)
	Vice Chairman	Rep. Francis Bardanouve (D)
1967	Chairman	Sen. David E. James (D)
	Vice Chairman	Rep. Walter J. Ulmer (R)
1969	Chairman	Sen. Frank W. Hazelbaker (R)
	Vice Chairman	Rep. Francis Bardanouve (D)
1971	Chairman	Rep. Francis Bardanouve (D)
	Vice Chairman	Sen. Antoinette E. Rosell (R)
1973	Chairman	Sen. Carroll Graham (D)
	Vice Chairman	Rep. Henry S. Cox (R)
1975	Chairman	Rep. Robert E. (Bob) Marks (R)
	Vice-Chairman	Sen. Neil Lynch (D)
1977		Sen. Carroll Graham (D)
		(replaced Senator Lynch)
1979	Chairman	Sen. Carroll Graham (D)
	Vice-Chairman	Sen. Frank W. Hazelbaker (R)
1979	Chairman	Rep. Oscar S. Kvaalen (R)
	Vice Chairman	Sen. Pat M. Goodover (R)
1981	Chairman	Sen. Pat M. Goodover (R)
	Vice Chairman	Rep. John Vincent (D)
1983	Chairman	Rep. Rex Manuel (D)
	Vice Chairman	Sen. Allen C. Kolstad (R)
1985	Chairman	Sen. Allen C. Kolstad (R)
	Vice Chairman	Sen. Mark Daniels (D)

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